

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 24, 2004

DIVISION ONE

B166171 People (Not for Publication)
v.
Vega

The judgment is affirmed. The petition for a writ of habeas corpus is denied.

Mallano, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B168572 People (Not for Publication)
v.
Ramos

The finding that defendant suffered a prior felony conviction under the Three Strikes law is reversed and the matter is remanded for further proceedings on the allegation of the prior conviction. In all other respects, the judgment is affirmed.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

March 24, 2004(Continued)

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

[illegible]

The findings on counts 1 and 2 that the attempted murders were committed willfully, deliberately, and with premeditation are reversed. In all other respects, the judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION TWO

B160363 People (Not for Publication)
v.
Christopher S.

The juvenile court is ordered to modify its finding as to count 1 by sustaining the petition as to involuntary manslaughter instead of for second degree murder. The matter is remanded to the juvenile court for sentencing.

Ashmann-Gerst, J.

We concur: Nott, Acting P.J.
Doi Todd, J.

DIVISION TWO (Continued)

[illegible]

The judgment is affirmed and the superior court is directed to correct the abstract of judgment to reflect that the two-year sentence for robbery in count 7 and the two-year hate crime enhancement on that count are to run concurrently to the two-year sentence for robbery and the two-year hate crime enhancement imposed in count 3.

Nott, Acting P.J.

We concur: Doi Todd, J.
Ashmann-Gerst, J.

B161317 Penny, et al. (Not for Publication)
v.
Wilson

The judgment of the trial court is reversed. The matter is remanded to the trial court. The transfers resulting from the Trust Split Document and the Residence Trust and the accompanying deed shall be set aside. All the real properties listed in the trial court statement of decision as being trust property just prior to the transfer of the Newport Beach Property on March 7, 1998, are declared undivided property of the FFT to be distributed according to its terms utilizing the current net value after deduction for mortgages, improvements, and credits for maintenance, to be determined by the trial court. Thus, Kristin shall receive 100% of the proceeds of the survivor's trust and all four children shall receive 25% of the proceeds of the decedent's trust. Appellants shall receive costs of appeal.

Nott, Acting P.J.

We concur: Doi Todd, J.
Ashmann-Gerst, J.

March 24, 2004(Continued)

DIVISION TWO (Continued)

B164196 People (Not for Publication)
v.
George Noee Kent

The order of the trial court is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
Doi Todd, J.

DIVISION FOUR

B170218 Larian (Not for Publication)
v.
Superior Court, Los Angeles County
(Human Resources Contract Services, Inc., r.p.i.)

Let a peremptory writ of mandate issue commanding the superior court to set aside its order striking petitioner's peremptory challenge under section 170.6, and to transfer the case for reassignment to another judge. Petitioner to have appellate costs.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

DIVISION SEVEN

B165803 People v. Payno (Not for Publication)

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

DIVISION SEVEN (Continued)

B162235 Dore (Not for Publication)
v.
Arnold Worldwide, Inc., et al.

The judgment in favor of Arnold Worldwide Partners is affirmed as to the liability and reversed as to costs. The judgment in favor of Arnold Worldwide, Inc. is reversed. The cause is remanded to the trial court with the following directions. The Court shall amend the judgment in favor of Arnold Worldwide Partners to award it its proportionate share of the costs of suit. The court shall vacate its order granting summary judgment to Arnold Worldwide, Inc. and issue a new order granting summary adjudication on the cause of action for negligent misrepresentation only. Arnold Worldwide Partners is awarded its costs on appeal from appellant. Appellant is awarded his costs on appeal from Worldwide, Inc.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

[illegible]

The conviction on count 2 (Pen. Code, § 245, subd. (a)(1)) and the true finding of weapon use (Pen. Code, § 12022, subd. (b)(1)) are reversed. The cause is remanded to the superior court for further proceedings consistent with this opinion. In all other respects the judgment is affirmed.

Woods, J.

I concur: Zelon, J.
I concur: Johnson, Acting P.J. (Opinion)

B160209 People
v.
Seijas

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

March 24, 2004(Continued)

DIVISION EIGHT

Court convened at 9:05 a.m.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Connie Hon, Deputy Clerk.

Each of the following:

B163396 People v. Potts et al.
B166805 People v. Plantillas
B165172 People v. Chen
B164345 People v. Maeshack
B168858 People v. Valverde
B166169 People v. Curtis
B169446 People v. Lazaro C.
B162806 People v. Smith
B165261 People v. Eduardo V.

Argument waived, cause submitted.

B165280 People v. Williams

The matter has been continued to April 28, 2004.

B167193 People
 v.
 Rivera

Merits:

Argued by Anthony J. Dain for appellant and by Alan D. Tate, Deputy Attorney General for respondent. Cause submitted.

B155166 County Of Los Angeles
 v.
 Navarro

Merits:

Argued by Linda Sue Ferrer for appellant and by Fesia A. Davenport for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B164808 People
 v.
 Rosas

Merits:

Argued by Michael Ian Garey for appellant and by Kenneth J. Kao, Deputy Attorney General for respondent. Cause submitted.

Court recessed at 10:40 a.m.

Court reconvened at 10:49 a.m.

Present: Rubin, Acting P.J., Boland, J., Flier, J. and Connie Hon, Deputy Clerk.

B163813 Solomon
 v.
 U.S. Trust Company, N.A.
 Woods

Merits:

Argued by Barry S. Landsberg for appellant and by W. Toliver Besson and Sheldon M. Jaffe for respondents. Cause submitted.

Court adjourned at 11:57 am.

B169049 In re David Troy Griffin
 on
 Habeas Corpus

Filed order denying petition for rehearing.